

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANTHONY MBA AND OLIVIA MBA, §
§
Plaintiffs, §
v. § Civil Action No. **3:13-CV-4769-L**
§
HSBC BANK USA, N.A. AND §
OCWEN LOAN SERVICING, LLC, §
§
Defendants. §

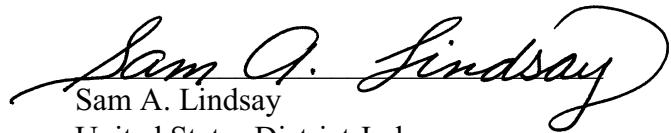
ORDER

Before the court is Plaintiffs' Opposed Motion for Leave to Amend Complaint (Doc. 11), filed February 27, 2014. On September 2, 2014, Magistrate Judge Renee Harris Toliver entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") recommending that Plaintiffs' motion be granted in part and denied in part. Specifically, the magistrate judge recommends that the court: (1) grant Plaintiffs' request to amend their pleadings to add a claim against Defendant Ocwen Loan Servicing, LLC ("Ocwen") under the Federal Debt Collection Practices Act ("FDCPA") for alleged misrepresentations that led Plaintiffs to believe that they had entered a loan modification; and (2) deny without prejudice Plaintiffs' request to amend their pleadings to add proposed fraud-based claims. The magistrate judge recommends that Plaintiffs' motion be denied in all other respects. No objections were filed to the Report.

Having reviewed the motion, response, record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants in part and denies in part** Plaintiffs' Opposed Motion for Leave to Amend Complaint (Doc. 11). Specifically, the court **grants** Plaintiffs' request to amend their

pleadings to add a claim against Ocwen under the FDCPA for alleged misrepresentations that led Plaintiffs to believe that they had entered a loan modification; and **denies without prejudice** Plaintiffs' request to amend their pleadings to add proposed fraud-based claims. Plaintiffs' motion is **denied** in all other respects. Any amended complaint by Plaintiffs to add the FDCPA claim against Ocwen must be filed by **October 8, 2014**, in accordance with this order and the magistrate judge's Report. *If the amended complaint filed by Plaintiffs contains any amendments beyond those permitted by this order and the Report, those amendments will be stricken.*

It is so ordered this 18th day of September, 2014.



Sam A. Lindsay
United States District Judge